

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MIRANDA WILSON

Plaintiff,

VS.

LIBERTY MUTUAL GROUP, INC.

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 16-484

DEFENDANT LIBERTY MUTUAL GROUP INC.'S NOTICE OF REMOVAL

COMES NOW Defendant Liberty Mutual Group Inc., and files this Notice of Removal, removing this case to federal court under 28 U.S.C. §§ 1441 and 1446, and in support thereof, would show as follows:

A. Introduction

1. Plaintiff is Miranda Wilson. Defendant is Liberty Mutual Group Inc.
2. This lawsuit arises out of Plaintiff's Uninsured/Underinsured Motorist Coverage (UM/UIM) benefits because of bodily injury resulting from a motor vehicle accident sustained by Plaintiff and property damage caused by the accident.
3. Plaintiff filed this suit in the 146th Judicial District, Bell County, Texas, claiming Defendant failed or refused to pay UM/UIM benefits to Plaintiff.
4. Plaintiff's pleadings state that she seeks relief in an amount over One Million Dollars (\$1,000,000.00) (Plaintiff's Original Petition, p. 1.4, Ex B).
5. There is diversity of citizenship among the parties and Defendant Liberty Mutual Group Inc. removes this case pursuant to 28 U.S.C. §§ 1332 and 1446.

B. Basis for Removal

6. Removal is proper under 28 U.S.C. §§ 1332 and 1446 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000 and this removal is filed within 30 days after the service on Defendant Liberty Mutual Group Inc. of the paper from which it could first be ascertained that the case is subject to removal.

7. There is federal jurisdiction over this case under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.

(a) Defendant Liberty Mutual Group Inc. is a corporation, organized and existing under the laws of the State of Massachusetts with its principal place of business in Boston, Massachusetts. (Exhibits A, A-1, A-2).

(b) Plaintiff alleges that she resides in Bell County, Texas (Pl's Original Petition, ¶2.1, Ex. B).

8. Plaintiff's pleadings state that she seeks relief in an amount of over \$1,000,000. (Plaintiff's Original Petition, ¶1.4, Ex. B). *See S.W.S. Erectors Inc. v. Infax Inc.*, 72 F.3d 489, 492 (5th Cir. 1996) (removing defendant can rely on plaintiff's statement of amount in controversy).

9. Defendant Liberty Mutual Group Inc.'s notice of removal is timely, as it is filed within 30 days of Defendant's receipt of the pleading stating a removable case. *Alim v. KBR, Inc.*, No. 13-11094, 2014 U.S. App. LEXIS 10508, at *4 (5th Cir. 2014) (unpub.) (30-day deadline for removal runs from the defendant's receipt of a pleading setting forth a removable claim).

10. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as Exhibit B as required by 28 U.S.C. §1446(a).

11. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending, the 146th District Court, Bell County, Texas, is located in this district.

12. Defendant Liberty Mutual Group Inc. will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. Jury Demand

13. Plaintiff has not demanded a jury and has not paid the fee in the state-court suit.

D. Conclusion

14. There is complete diversity of citizenship and the amount in controversy exceeds \$75,000. Thus, there is diversity jurisdiction over this matter and removal is proper as set forth herein.

NAMAN HOWELL SMITH & LEE, PLLC

By: /s/ Joe Rivera

Neal Pirkle
State Bar No. 00794464
pirkle@namahowell.com
Joe Rivera
State Bar No. 24065981
jrivera@namanhowell.com
400 Austin Avenue, Suite 800
P.O. Box 1470
Waco, Texas 76703
(254) 755-4100
FAX: (254) 754-6331

ATTORNEYS FOR DEFENDANT
LIBERTY MUTUAL GROUP INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been served on counsel of record, on the 29th day of December, 2016 as follows:

Steven Hooker
P. O. Box 1153
Bryan, Texas 77806
Attorneys for Plaintiff
Certified Mail, Return Receipt Requested
No. 7016 2140 0000 7749 8862

/s/ Joe Rivera
Joe Rivera